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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/399,468	09/20/99	ROBINSON	C PM-251912

PM82/0802
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EXAMINER

AVILA, S

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 08/02/00

Handwritten number 4

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/399,468

Applicant(s)

Robinson et al

Examiner

Stephen Avila

Group Art Unit

3617



☒ Responsive to communication(s) filed on 9/20/99

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-18 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-18 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-8, 11, 12, 14, and 15 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Tatter.

Tatter discloses the claimed structure including a watercraft with a hull a displacement body and two outer skirts 11b.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tatter in view of Perette.

Tatter does not disclose outer skirts with perpendicular outer surfaces. Perette teaches outer skirts with outer surfaces which are perpendicular to the waterline. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the outer surfaces of the outer skirts of Tatter to be perpendicular to the waterline as taught by Perette for improved speed.

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5. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tatter in view of Russell.

Tatter does not disclose serrations. Russell discloses serrations 4. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the device of Tatter with serrations for improved lift as taught by Russell.

6. Claims 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tatter.

Tatter does not disclose the specific propelling mechanisms. It would have been an obvious choice of engineering design to a person of ordinary skill in the art at the time the invention was made to propel the watercraft of Tatter as claimed for improved propulsion.

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tatter in view of Szptyman (cited by Applicant).

Tatter does not disclose two propeller. Szptyman discloses a pair of propellers. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the device of Tatter with a pair of propellers as taught by Szptyman for improved speed.

8. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tatter in view of Labrucherie et al .

Tatter does not disclose inner skirts. Labrucherie et al disclose inner skirts 3. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the device of Tatter with inner skirts as taught by Labrucherie et al for improved lift.

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9. Direct telephone inquiries concerning this communication to **Stephen Avila, at telephone number (703) 308-2578.**

The fax number for Technology Center 3600 is (703) 305-7687. Fax responses are encouraged, especially after final rejections.

The examiner's supervisor, Joseph Morano, can be reached at (703) 308-0320.

Inquiries of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at (703) 308-1113.

AVILA:sa
July 31, 2000



Stephen Avila
Primary Examiner
Art Unit 3612

7/31/00